

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NEW PARADIGM PROMOTIONAL
MARKETING, INC.,

Plaintiff,

v.

Case No. 14-11320
Hon. John Corbett O'Meara

ACF GLOBAL IMPORTS, LLC,
ALL CUSTOM FOCUS GLOBAL
IMPORTS, LLC, DHAMEJA R. KUMAR,
and PETER NORMAND,

Defendants.

_____/

Steven C. Powell (P39433) Keith F. Murphy (P47175) Powell Murphy Attorneys for Plaintiff 370 E. Maple, 3 rd Flr. Birmingham, Michigan 48009 (248) 723-4390 scpowell@powellmurphylaw.com kmurphy@powellmurphylaw.com	Kathleen A. Lang (P34695) Jennifer L. Newby (P68891) DICKINSON WRIGHT PLLC Attorneys for Defendants 500 Woodward Ave., Suite 4000 Detroit, Michigan 48226 (313) 223-3500 klang@dickinsonwright.com jnewby@dickinsonwright.com
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DICKINSON WRIGHT PLLC'S MOTION TO WITHDRAW
AS COUNSEL FOR DEFENDANTS

NOW COMES Dickinson Wright, PLLC (“Dickinson Wright”), attorneys of record for Defendants ACF Global Imports, LLC, All Custom Focus Global Imports, LLC, Dhameja R. Kumar, and Peter Normand (collectively “Defendants”) and respectfully requests leave to withdraw as counsel for Defendants pursuant to E.D. Mich. LR 83.25(b). In support of its Motion, Dickinson Wright states as follows:

1. This action was commenced against Defendants in Wayne County Circuit Court on November 15, 2013. An Amended Complaint was filed on February 7, 2014.
2. Dickinson Wright appeared on behalf of Defendants and removed the action to this Court on March 31, 2014. (Dkt. #1).
3. Dickinson Wright has vigorously represented Defendants throughout the pendency of this case, including filing a motion for more definite statement.
4. Michigan Rules of Professional Conduct provide that “a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if: ...(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered

unreasonably difficult by the client; or (6) other good cause for withdrawal exists.”

5. A breakdown in communication and in the attorney-client relationship has developed in this matter, such that Dickinson Wright can no longer act as counsel for Defendants, necessitating Dickinson Wright’s withdrawal. *See Shulman v. Czerska*, No. 11-10983, 2012 U.S. Dist. LEXIS 25994 at *3 (E.D. Mich. February 29, 2012) (permitting a motion to withdraw based on breakdown of attorney-client relationship).
6. After attempts to resolve these issues with Defendants were unsuccessful, Defendants were notified on May 21, 2014 that Dickinson Wright would seek to withdraw.
7. This case is in its early stages, a scheduling conference is currently set for June 13, 2014. Permitting Dickinson Wright to withdraw at this stage would not prejudice Defendants given the current posture of the case.
8. In order to protect Defendants’ interests, Dickinson Wright is simultaneously filing a motion to extend the time to file a response to Plaintiff’s Second Amended Complaint that is currently due by June 2, 2014.
9. Dickinson Wright also seeks a 30 day stay of proceedings to allow Defendants to obtain new counsel.

10. Concurrence in the stay was requested from Plaintiff's but no response to the request was received.

WHEREFORE Dickinson Wright PLLC respectfully requests the Court grant its Motion to: (1) allow Dickinson Wright to withdraw as counsel for Defendants; and (2) stay proceedings 30 days to permit Defendants to obtain new counsel.

Respectfully Submitted,

By: /s/ Jennifer L. Newby

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Dated: May 28, 2014

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**BRIEF IN SUPPORT OF DICKINSON WRIGHT PLLC'S MOTION TO
WITHDRAW AS COUNSEL FOR DEFENDANTS**

For its Brief in Support of Dickinson Wright PLLC's Motion to Withdraw as Counsel for Defendants ("Motion"), Dickinson Wright relies on the facts and law set forth in the Motion.

For the above reasons, Dickinson Wright PLLC respectfully requests the Court grant its Motion to: (1) allow Dickinson Wright to withdraw as counsel for Defendants; and (2) stay proceedings 30 days to permit Defendants to obtain new counsel.

Respectfully Submitted,

By: /s/ Jennifer L. Newby

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Dated: May 28, 2014

PROOF OF SERVICE

The undersigned certifies that the foregoing document was filed with the Clerk's Office using the ECF system on May 28, 2014, which provides notice to all counsel of record.

Signature /s/ Jennifer L. Newby

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